

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In the Matter of:

NICODEMUS Q. SCHOOLER

Debtor

In Bankruptcy:

Case No. 18-45650-mbm
Chapter 7
Hon. Marci B. McIvor

**TRUSTEE'S APPLICATION FOR
ORDER AUTHORIZING EMPLOYMENT OF COUNSEL**

Timothy J. Miller, the Chapter 7 Trustee of the bankruptcy estate of Nicodemus Q. Schooler (“Debtor”), moves this court for entry of an Order Authorizing Employment of counsel pursuant to E.D. Mich. LBR 2014-1(a), Fed. R. Bankr. P. 2014 and 11 U.S.C. §327 (proposed order attached as Exhibit 1).

IN SUPPORT of the application, the Trustee states:

1. On April 18, 2018, the Debtor filed a voluntary petition under Chapter 7 of the Bankruptcy Code.
2. Timothy J. Miller is the duly appointed Chapter 7 Trustee in this case.
3. The Trustee wishes to employ the law firm of Clayson, Schneider & Miller P.C., whose members are duly admitted to practice in this Court.
4. The Trustee seeks to hire Peter F. Schneider of Clayson, Schneider & Miller P.C. to advise and consult with the Trustee on legal issues which may arise concerning the Trustee’s powers and duties, and to perform legal services for

the Trustee pursuant to the authority set forth by 11 U.S.C. § 327(a), including:

- a) Investigating whether the Debtor has complied with duties to cooperate with the Trustee and whether Debtor has fully complied with document requests and Court orders;
- b) Conducting discovery under Fed. R. Bankr. P. 2004;
- c) Examining Debtor's claim of exemptions to determine whether it is proper, and any legal issues that may arise as a result;
- d) Drafting necessary legal documents, including but not limited to: applications, answers, complaints, motions, orders, reports, and stipulations;
- e) Advising the Trustee on matters pertaining to the Debtor's right to a discharge, as well as research and if necessary, filing adversary proceedings;
- f) Inquiring into whether voidable transfers have taken place, including causes of action authorized by Michigan law, and whether nonexempt property of the estate can be liquidated for the benefit of creditors, as well as legal research and analysis on the topics;
- g) Investigating and pursuing turnover of undisclosed property of the estate;
- h) Performing legal services with regard to settlements pursuant to Fed. R. Bankr. P. 9019; and
- i) Performing any and all other legal services for the Trustee as may be required and authorized under the Bankruptcy Code.

5. Based upon information and belief, no member of Clayson, Schneider & Miller P.C. holds an interest adverse to this bankruptcy estate, and all attorneys qualify as disinterested persons as defined by 11 U.S.C. §101(14). A statement of disinterestedness is attached hereto as Exhibit 2.
6. It is in the best interests of this bankruptcy estate to approve employment of Clayson, Schneider & Miller P.C. as legal counsel for the Trustee.
7. The rates for legal services for the attorneys employed by Clayson, Schneider & Miller P.C. are listed on attached Exhibit 3. The rates are adjusted periodically. Fees for legal services are subject to Bankruptcy Court approval.

WHEREFORE, the Trustee prays that an Order be entered authorizing the Trustee to employ Clayson, Schneider & Miller P.C. as legal counsel.

Dated: June 1, 2018

/s/ Timothy J. Miller
Timothy J. Miller
Chapter 7 Trustee
64541 Van Dyke, Suite 101
Washington Township, MI 48095
tjmillerplc@gmail.com

CLAYSON, SCHNEIDER & MILLER P.C.

Dated: June 1, 2018

/s/ Peter F. Schneider
Peter F. Schneider(P75256)
645 Griswold, Suite 3900
Detroit, MI 48226
(313) 237-0850 ext.
pete@claysonschneidermiller.com

EXHIBIT 1

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
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In the Matter of:

NICODEMUS Q. SCHOOLER

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[proposed]

**ORDER AUTHORIZING EMPLOYMENT OF CLAYSON, SCHNEIDER
& MILLER, P.C. AS COUNSEL FOR CHAPTER 7 TRUSTEE**

The Trustee, Timothy J. Miller, having filed an Application to Employ Clayson, Schneider, & Miller, P.C. as Counsel for the Trustee with attached Statement of Disinterestedness, and the Court being fully advised in the premises;

IT IS HEREBY ORDERED that employment of Clayson, Schneider, & Miller, P.C. and its attorneys, including Peter F. Schneider as counsel for the Chapter 7 Trustee is approved pursuant to the terms and conditions set forth in the Application and its supporting Statement of Disinterestedness. Compensation may be paid upon proper application and only after court authorization.

EXHIBIT 2

**UNITED STATES BANKRUPTCY COURT
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VERIFIED STATEMENT OF DISINTERESTEDNESS

Peter F. Schneider states:

1. I am an attorney authorized by the State Bar of Michigan to practice law.
2. I am authorized to make this statement on behalf of Clayson, Schneider & Miller P.C. (“the Firm”).
3. I and the other professional employees of Clayson, Schneider & Miller P.C. are disinterested persons as defined by 11 U.S.C. § 101(14) in the above captioned matter.
4. To the best of my information, knowledge and belief, neither I nor any member of the Firm represents or holds any interest adverse to the estate.
5. To the best of my information, knowledge and belief, neither I nor any member of the Firm has any connections with the Debtor, creditors, The Trustee, or any party in interest, their respective known attorneys or accountants, the United States Trustee or any other person employed by the

United States Trustee.

6. The Debtor has multiple creditors and the Firm may have rendered services or had business associates with such creditors or their counsel in the ordinary course of the Firm's business, but none of these services have been in connection with, nor impact this proceeding.
7. The Firm has not made any agreement to share compensation in this case and I know of no reason why the Firm should not act as legal counsel for the Trustee.
8. I declare under penalty of perjury that the preceding statements are true and correct to the best of my knowledge, information, and belief.

CLAYSON, SCHNEIDER & MILLER P.C.

Dated: June 1, 2018

/s/ Peter F. Schneider
645 Griswold, Suite 3900
Detroit, MI 48226
(313) 237-0850 ext.
pete@claysonschneidermiller.com

EXHIBIT 3

CLAYSON, SCHNEIDER & MILLER, PC

2018 HOURLY RATE SCHEDULE

Kimberly Ross Clayson, Shareholder & Attorney \$290.00 per hour

Peter F. Schneider, Shareholder & Attorney \$250.00 per hour

David P. Miller, Shareholder & Attorney \$210.00 per hour

Law Clerks \$ 100.00 per hour